

REMARKS

The Office Action mailed May 30, 2006, has been received and reviewed. Claims 1, 2, 4 through 6, 8 through 15, and 17 through 19 are currently pending in the application. Claims 1, 2, 4 through 6, 8 through 15, and 17 through 18 stand rejected. Claim 19 is allowed. Applicants have amended claims 1, 5, 6, 8, 10 through 13, and 17, canceled claim 2, and respectfully request reconsideration of the application as amended herein.

Notice of Allowed Claims

Applicants appreciate the notification of the allowability of claim 19. The amendments to claims 5, 6, 8, 10 through 13, and 17 herein alter the dependency of claims 5, 6, 8 through 13, 17, and 18 such that they now depend from claim 19. As dependent claims of an allowed claim, claims 5, 6, 8 through 13, 17, and 18 are also allowable. Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) obviousness rejections of claims 5, 6, 8 through 13, 17, and 18 based upon the amended dependency of those claims.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 5,709,910 to Argyle et al. in view of U.S. Patent No. 4,285,668 to Pepe

Claims 1, 2, 4 through 6, 8 through 13, 15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Argyle et al. (U.S. Patent No. 5,709,910) in view of Pepe (U.S. Patent No. 4,285,668). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 5, 6, 8, 10 through 13, and 17 are amended herein to depend from allowable claim 19. Claims 9 and 18 depend from the amended claims and also depend, indirectly, from allowable claim 19. As dependent claims of a nonobvious independent claim, claims 5, 6, 8 through 13, 17, and 18 are also nonobvious. *See, In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) obviousness rejection of claims 5, 6, 8 through 13, 17, and 18.

Independent claim 1 is amended herein. Amended claim 1 includes, in part, recitations of a first baffle “having an adjustable non-equidimensional aperture sized and configured to accept a substrate of substantially matching, but slightly smaller, cross-section” and a second baffle “having an adjustable non-equidimensional aperture sized and configured to accept a substrate of

substantially matching, but slightly smaller, cross-section.” As recited in claim 1, the first baffle and the second baffle separate a first region and a second region of the processing chamber, respectively, from the constricted medial region of the processing chamber. The adjustability of the recited first baffle and second baffle is not taught or suggested by either Argyle et al. or Pepe. The lack of such teaching or suggestion precludes a *prima facie* obviousness rejection of claim 1.

In order to maintain a *prima facie* obviousness rejection, a reference, or combination of references, must teach or suggest all of the recitations of the claims. *See*, M.P.E.P. § 2142 (citing, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). The combination of Argyle et al. with Pepe fails to teach or suggest adjustable baffles such as the first baffle and second baffle recited in amended claim 1. Although Pepe may teach the use of adjustable gates in the end walls of a furnace tunnel, Pepe does not teach or suggest the use of adjustable baffles within a furnace tunnel, or with an apparatus for applying textile treatment compositions as taught by Argyle et al. Argyle et al. also fails to teach or suggest the use of adjustable baffles as recited in claim 1. A combination of Pepe with Argyle et al. would, at most, result in the apparatus of Argyle et al. having adjustable gates in the end walls of the Argyle et al. apparatus, not in baffles within an interior of a processing chamber. The teachings of Pepe in combination with Argyle et al. do not make obvious baffles, such as the first and second baffles recited in claim 1, “having an adjustable non-equidimensional aperture sized and configured to accept a substrate of substantially matching, but slightly smaller, cross-section.” The lack of such teaching precludes a *prima facie* obviousness rejection of claim 1.

Claims 4 and 15 depend from claim 1. As dependent claims of a nonobvious independent claim, claims 4 and 15 are also nonobvious. *See*, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

For at least the foregoing reasons, claims 1, 4 through 6, 8 through 13, 15, 17 and 18 are not obvious in view of the combination of Argyle et al. with Pepe. Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) obviousness rejection.

Obviousness Rejection Based on U.S. Patent No. 5,709,910 to Argyle et al. in view of U.S. Patent No. 4,285,668 to Pepe and U.S. Patent No. 2,545,576 to Godley

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Argyle et al. (U.S. Patent No. 5,709,910) in view of Pepe (U.S. Patent No. 4,285,668) and Godley (U.S.

Patent No. 2,545,576). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 14 depends from amended claim 1. Amended claim 1 is not obvious for at least those reasons stated *supra*. As a dependent claim of a nonobvious independent claim, claim 14 is also nonobvious. *See*, M.P.E.P. § 2143.03 (citing, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)(if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious)). Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of claim 14.

ENTRY OF AMENDMENTS

The amendments to claims 1, 5, 6, 8, 10 through 13, and 17 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 1, 4 through 6, 8 through 15, 17 and 18 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Applicants appreciate the notification of the allowability of claim 19. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

/Stephen R. Christian/

Stephen R. Christian
Registration No. 32,687
Attorney for Applicants
P.O. Box 1625
Idaho Falls, ID 83415-3899
Phone: (208) 526-9140
Fax: (208) 526-8339

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